

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION

Tuesday, March 20, 1979 Rockville, Maryland

The County Council for Montgomery County, Maryland, convened in the Council Hearing Room, County Office Building, Rockville, Maryland, at 12:45 P.M., on Tuesday, March 20, 1979.

PRESENT

Neal Potter, President
Elizabeth L. Scull
Rose Crenca

Scott Fosler, Vice President
Eather P. Gelman
Ruth Spector

Michael L. Gudis

The President in the Chair.

The Journal of March 6, 1979, was approved as amended.

INTRODUCTION OF BILLS:

Re: Introduction of Bill No. 23-79,
Executive's Proposed Revisions to
Employee Organization Certification
Requirements Under the Meet &
Confer Process

The Council had before it for consideration Bill No. 23-79, the County Executive's proposed revisions to employee organization certification requirements under the "Meet and Confer Process."

Councilmembers reviewed the County Executive's memorandum of March 6, 1979, as follows:

I am sending you an amendment to Article IV, Employer/Employee Relations, which is designed to change the participation requirement for the certification of employee organizations. Under the County's meet and confer law, the existing provisions require that at least sixty (60) percent of the employees eligible to participate in an election must cast ballots in order to validate the election process. This amendment will eliminate the sixty percent participation requirement and permit validation, and subsequent certification when an organization receives the majority of votes cast.

This change supports a more realistic approach to allowing employee organizations to participate in the meet and confer process. The sixty percent voter requirement provided in Section 33-66(f) of the law places an unrealistic requirement on employee organizations. The law has been in effect since March, 1977, and only one employee group has been certified. I believe this is due in part to the restrictiveness of the present voting requirement. It is a common practice among both the public and private jurisdictions where there exists a mechanism to recognize employee groups, to do so through a majority vote requirement.

The purpose of the meet and confer process, in part, is to grant recognition to employee organizations in order that they might represent specific groups of employees. The law, in its present form, restricts this opportunity. It is my intent to make the "meet and confer" a more meaningful process by allowing the County Government to make policy decisions based on input from recognized representatives of all of our employees. I believe this amendment will have the effect of more readily establishing recognition rights for groups of employees.

This amendment is of sufficient importance that I believe it should be considered as emergency legislation.

The adoption of the amendment will not have any immediate impact on the present capital or operating budget.

The amendment, as presently drafted, has been approved by the County Attorney as to its form and legality.

I would appreciate your favorable and earliest consideration of this legislation. Any further information concerning the amendment should be directed to James Torgesen, Assistant to the Personnel Director for Labor Relations, 279-1208.

Following discussion of the fact that Bill No. 23-79, in deleting the requirement that 60% of the eligible voters participate in an election, also deleted any participation requirement at all, two alternate amendments to paragraph (f) were introduced without objection: both amendments restore the deleted requirement, but change the 60% requirement to 50% (in Amendment No. 1) and 30% (in Amendment No. 2).

Councilwoman Crenca suggested that the Council staff confer with representatives of the Montgomery County Government Employees Organization and Executive Branch staff members with respect to the foregoing percentages.

Upon motion of Councilwoman Gelman, duly seconded and without objection, the Council voted to waive the reading of the title of Bill No. 23-79.

Bill No. 23-79, sponsored by the Council President, cosponsored by Councilwoman Crenca, was introduced, as requested by the County Executive. The title of the subject bill is set forth below:

AN EMERGENCY ACT to amend Subsection 33-43(f) of Section 33-43, titled "Procedures for Certification of Employee Organizations" of Article IV, title "Employer Employee Relations" of Chapter 33, titled "Personnel" of the Montgomery County Code, 1972, as amended, to provide for an exclusive representation upon the casting of a certain percentage of votes.

Re: Introduction of Bill No. 24-79,
Industrial Revenue Bond Financing
for the Psychiatric Institute of
Montgomery County, Inc.

The Council had before it for consideration Bill No. 24-79, the County Executive's proposed Industrial Development Revenue Bond Authorization for the benefit of the Psychiatric Institute project.

10 "Guarantees"), pursuant to which the Borrower and such affiliated
11 corporations will fully and unconditionally and irrevocably guarantee
12 to the Trustee for the benefit of the holders of the Bonds (among
13 other things) the full and prompt payment of the principal of and
14 interest on the Bonds when and as the same shall become due and
15 payable.

16 As evidenced by the letter of intent dated December 4,
17 1978, delivered by the Borrower to the County in accordance with
18 Section 266B(d) of the Enabling Legislation (the "Letter of Intent"),
19 a copy of which is attached to this Act as Exhibit A and made a
20 part hereof, the Industrial Building is to be acquired by a bona
21 fide tenant or purchaser within the meaning of the Enabling Legis-
22 lation.

23 The Bonds will be sold at private (negotiated) sale.

MEMORIALS AND PETITIONS:

There were no memorials or petitions to be presented.


CALL OF BILLS FOR FINAL READING:

No bills were called for final reading.

MISCELLANEOUS BUSINESS:

There being no further official business to come before the Council
in Legislative Session, the meeting adjourned at 12:55 P.M., to reconvene in
Special Legislative Session at 2:00 P.M., on Friday, March 23, 1979, or at the
call of the President.

ATTEST:


Kathleen A. Freedman, Deputy Secretary
of the County Council for
Montgomery County, Maryland